

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of ) Group Art Unit: Unknown  
Waclaw C. Koscielnik )  
Application No. New (Div. of 09/929,661) ) Examiner: Unknown  
Filed: Herewith )  
For: PHOTONIC CRYSTALS USING A )  
SEMICONDUCTOR-BASED )  
FABRICATION PROCESS (as amended) )  
\_\_\_\_\_  
)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith information of which applicant is aware, which applicant believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) [X] accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) [ ] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) [ ] as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

(d) [ ] is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

(e) [ ] is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

(f) [ ] Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

(g) [ ] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publications(s) is set forth on the attached Form PTO-1449 (Modified). A copy of the items on PTO-1449 (Modified) is supplied herewith:

(h) [X] each        (i) [ ] none        (j) [ ] only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the described above and attached information is:

(k) [X] not given

(l) [ ] given for each listed item

(m) [ ] given for only non-English language listed item(s) [Required]

(n) [ ] is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

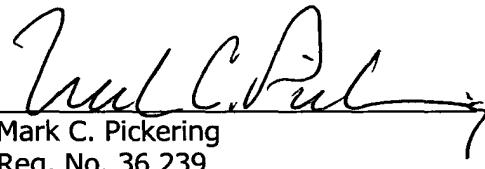
While the information disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that the

information referred to is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the above-described and attached information.

Respectfully submitted,

Dated: 8-5-03

By:   
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Attorney for Assignee

Atty. Docket No: 100-15210 (P05000-D01)

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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> Express Mail Number <u>EV342470428LLS</u> <i>(Use several sheets if necessary)</i>								Docket Number (Optional) 100-15210 (P05000-D01)		Application No. New			
								Applicant(s) Waclaw C. K scielniak					
								Filing Date Mar with		Group Art Unit Unkn wn			
<b>U.S. PATENT DOCUMENTS</b>													
EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5	9	9	9	3	0	8	12/07/99	Nelson et al.		359	321	04/01/98
	5	9	9	0	8	5	0	11/23/99	Brown et al.		343	912	09/05/96
	6	0	6	4	5	1	1	05/16/00	Fortmann et al.		359	321	03/31/98
	5	3	3	5	2	4	0	08/02/94	Ho et al.		372	39	12/22/92
	5	9	9	8	2	9	8	12/07/99	Fleming et al.		438	692	04/28/98
	6	5	2	1	1	3	6	02/18/03	Sfez et al.		216	24	07/21/00
<b>FOREIGN PATENT DOCUMENTS</b>													
	DOCUMENT NUMBER					DATE	COUNTRY		CLASS	SUBCLASS	Translation		
											Yes	N	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>													
<b>EXAMINER</b>					<b>DATE CONSIDERED</b>								
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.													